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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,085

07/15/2003

Justin Mortensen

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12/04/2006

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EXAMINER

COLAN, GIOVANNA B

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,085	Applicant(s) MORTENSEN ET AL.	
	Examiner Giovanna Colan	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant filed request for continued examination (RCE) on 10/11/2006.
2. Claims 1, and 7 have been amended. No claims were added. No claims were canceled.
3. Claims 1 – 11 are pending in this application.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cianfrocca et al. (Cianfrocca hereinafter) (US Patent No. 6,088,796), in view of Ananian et al (Ananian hereinafter) (US Patent No. 6,922,701 B1), and further in view of Shapiro (US Patent App. Pub. No. 2006/0005126 A1, filed: October 7, 2002).

Regarding Claim 1, Cianfrocca discloses a method of managing data in a plurality of disparate and diverse databases (Fig. 1, items 105, and 106, Col. 6, lines 11 – 20, Cianfrocca) comprising:

providing a first database located in a first location (Fig. 1, item 105, Col. 6, lines 11 – 14, Cianfrocca) and further being located behind a first firewall (Fig. 1, item 104, Col. 6, lines 13 – 14, Cianfrocca);

providing a second database located in a second location (Fig. 1, item 106, Col. 6, lines 14 – 17, Cianfrocca) and further being located behind a second firewall (Fig. 1, item 104, lines 14 – 17, Cianfrocca);

providing a clearinghouse server (Fig. 1 and 4, item 103, Web Server Running Messenger System, Col. 6 and 17, lines 17 – 20 and 1 – 2; respectively, Cianfrocca) located outside of said first firewall and said second firewall (Fig. 1, item 104, Firewall, Col. 6, lines 19 – 22, Cianfrocca), said clearinghouse server having a clearinghouse database (Fig. 4, Col. 17, line 54, Database, Cianfrocca);

providing a workstation located behind said first firewall (Col. 16, lines 24 – 28, Cianfrocca¹), said workstation having a clearinghouse interface program (Col. 16, lines 27 – 28, clients, Cianfrocca²);

establishing communications between said clearinghouse interface program with said clearinghouse server (Col. 16, lines 24 – 26, Cianfrocca).

Cianfrocca does not explicitly teach indexing CAD data from the databases, transmitting request for a requested file, determining the location of said requested file, sending a request to second database for said file, converting said file to transmittable format, or transmitting said file. On the other hand, Ananian discloses a method and system for managing CAD data files (Col. 2, lines 43 – 47, Ananian), including: a

¹ Cianfrocca discloses, as cited above, workstations including programs, in the User Agent, to communicate with the messenger system server (equivalent to the clearinghouse server). In addition, Cianfrocca discloses that the communication between the User Agent and messenger system server will be across firewall (Col. 8, lines 7 – 9). This implies that the workstations are also behind the firewall.

² Cianfrocca discloses that clients will be programs that run at user workstations and call routines to connect to the messenger system server (equivalent to the clearinghouse server).

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clearinghouse database comprising an index to at least a portion of CAD data in first database and at least a portion of CAD data in second database (Fig. 1, Col. 9 and Col. 11, lines 19 – 23 and 4 – 8; respectively, Ananian); transmitting a request for a requested file from said clearinghouse interface program to said clearinghouse server (Col. 13, lines 14 – 30, Ananian); determining that said requested file is located in said second database by using said clearinghouse database (Col. 14, lines 2 – 4, Ananian³); sending a request from said clearinghouse server to said second database for said requested file (Col. 14, lines 35 – 38, Ananian); converting said requested file to a first transmittable format (Col. 3 and 7, lines 37 – 39, and 21 – 27 and 48 – 53; respectively, Ananian⁴). It would have been obvious to one of ordinary skills in the art at the time the invention was made to add Ananian's functionality for sending and converting a CAD file to the system and method of Cianfrocca to let users manipulate, modify, and update different CAD format files. One of ordinary skills in the art at the time the invention was made would have been motivated to do so, in order to improve interaction between the client and the professionals throughout the construction process; to ensure consistent and informed client input, cost-effective decisions, while maintaining the client's visionary perspective (Col. 2, lines 10 – 17, Ananian). In addition, the prior art suggests a successful outcome of this combination, such as, significantly reducing the time, complexity and uncertainty involved in the design of a structure (Col. 3, lines 43 – 45,

³ Ananian further discloses entering zip code or country (location) and other topics of the specific item requested. This implies locating the requested item in a specific database (see Col. 14, Table 1, lines 23 and 27).

⁴ Wherein the profile response corresponds to the requested file as claimed (Col. 3, lines 37 – 39, Ananian); the data file of the plan set corresponds to the requested file claimed (Col. 7, lines 9 – 13 and

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Ananian), improving interaction between the client and the builder throughout the construction process (Col. 3, lines 53 – 55, Ananian), acquiring a fully detailed build specification from a client (Col. 3, lines 58 – 60, Ananian), and reducing lengthy communications between the builder and the client, making the builder efficient and able to focus on the core task: building the house (Col. 3, lines 61 – 64, Ananian).

The combination of Cianfrocca in view of Ananian discloses all the limitations as discussed above including translating⁵ the content. However, the combination of Cianfrocca in view of Ananian does not expressly disclose: without content change of said requested file. On the other hand, Shapiro discloses converting files to formats without content change of said requested file (Fig. 5, and 6, "Source Artwork ENGLISH", and "Target translated Artwork FRENCH", Page 4, [0051], lines 1 – 20, Shapiro).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Shapiro's teachings to the system of the combination of Cianfrocca in view of Ananian. Skilled artisan would have been motivated to do so, as suggested by Shapiro (Page 4, [0051], lines 1 – 9, Shapiro); and to efficiently transform location based objects, to convert geographical maps from one language to another, avoiding major re-editing of the source file, but keeping the appearance and quality of the location based translated text. In addition, both of the references (Cianfrocca, Ananian, and Shapiro) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems,

20 – 24, Ananian); and the "XML" (External Markup Language corresponds to the transmittal form claimed (Col. 7, lines 21 – 27 and 48 – 53, Ananian).

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converting CAD data files. This close relation between the applied references highly suggests an expectation of success.

Furthermore, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses:

and transmitting said requested file from said second database in said first transmittable format (Col. 20, lines 1 – 6, Ananian).

Regarding Claim 2, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a method, wherein said workstation is a CAD workstation (Col. 16, lines 24 – 28, Cianfrocca⁶; Col. 2, lines 43 – 47, Ananian) and said clearinghouse interface program is a plug-in application (Col. 16, lines 27 – 28, clients, Cianfrocca⁷; Col. 16, lines 26 – 29, Ananian).

Regarding Claim 3, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a method, wherein said establishing communications between said clearinghouse interface program and said clearinghouse server comprises authenticating and authorizing said clearinghouse interface program (Col. 13, lines 40 – 45, Ananian).

⁵ According to the Academic Press Dictionary of Science and Technology from Elsevier Science & Technology, "translate" means: "1. To convert from one computer language to another. 2. Generally, to convert information from one form to another without altering meaning or function."

⁶ Cianfrocca discloses, as cited above, workstations including programs, in the User Agent, to communicate with the messenger system server (equivalent to the clearinghouse server). In addition, Cianfrocca discloses that the communication between the User Agent and messenger system server will be across firewall (Col. 8, lines 7 – 9). This implies that the workstations are also behind the firewall.

⁷ Cianfrocca discloses that clients will be programs that run at user workstations and call routines to connect to the messenger system server (equivalent to the clearinghouse server).

Regarding Claim 4, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a method, further comprising:

converting said requested file from said first transmittable format to a first CAD format (Col. 5, lines 21 – 28, Ananian);

translating said requested file from said first CAD format to a second CAD format (Col. 7, lines 8 – 12, Ananian; and Page 4, [0051], lines 14 – 20; Shapiro);

converting said requested file from said first CAD format to said second transmittable format (Col. 7, lines 49 – 54, Ananian);

transmitting said requested file to said first CAD station using said second transmittable format (Col. 7, lines 62 – 65, Ananian⁸); and

converting said requested file from said second transmittable format to said second CAD format (Col. 8, lines 6 – 11, Ananian⁹).

Regarding Claim 5, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a method, wherein said step of translating said requested file from said first CAD format to said second CAD format is performed by said clearinghouse server (Col. 6, lines 9 – 12, Ananian; and Page 4, [0051], lines 14 – 20; Shapiro).

⁸ The profile engine would correspond to the first CAD station.

⁹ The format of the extracted data with highly detailed features of the buildings corresponds to the Computer Aided Design (CAD) format.

Regarding Claim 6, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a method, wherein said first transmittable format comprises XML (Col. 7, lines 20 – 26, Ananian).

Regarding Claim 7, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a system for sharing files across disparate databases (Fig. 1, items 105, and 106, Col. 6, lines 11 – 20, Cianfrocca) comprising:

- a first server located behind a first firewall (Fig. 1, item 104, Col. 6, lines 13 – 14, Cianfrocca) and connected to a first database (Fig. 1, item 105, Col. 6, lines 11 – 14, Cianfrocca) that contains a first set of files (Col. 9, lines 40 – 43, Cianfrocca);

- a second server located behind a second firewall (Fig. 1, item 104, Col. 6, lines 14 – 17, Cianfrocca) and connected to a second database (Fig. 1, item 106, Col. 6, lines 14 – 17, Cianfrocca) that contains a second set of files (Col. 19, lines 30 – 33, application server components, Cianfrocca);

- a clearinghouse server (Fig. 1 and 4, item 103, Web Server Running Messenger System, Col. 6 and 17, lines 17 – 20 and 1 – 2; respectively, Cianfrocca) located outside of said first firewall and said second firewall (Fig. 1, item 104, Firewall, Col. 6, lines 19 – 22, Cianfrocca);

- a clearinghouse database located on said clearinghouse server (Fig. 4, Col. 17, line 54, Database, Cianfrocca) and having an index to at least a portion of said first set of files in said first database and at least a portion of said second set of files in said second database (Fig. 1, Col. 11, lines 4 – 8, Ananian);

a workstation located behind said first firewall (Col. 16, lines 24 – 28, Cianfrocca¹⁰) and having a clearinghouse interface program capable of interfacing with said clearinghouse database on said clearinghouse server (Col. 16, lines 24 – 28, messenger system enabled application components are programs that call routines in the User Agent Library, Cianfrocca¹¹), said clearinghouse interface program further capable of sending a request for a specific file indexed in said clearinghouse database (Col. 13, lines 14 – 26, Ananian);

said clearinghouse server further receiving said request for said specific file from said workstation (Col. 13, lines 29 – 30, Ananian), determines that said specific file is located on said second database (Col. 14, lines 2 – 4, Ananian¹²), and sends said request for said specific file to said second server (Col. 14, lines 35 – 38, Ananian); and

said second server further receives said request for said specific file (Col. 7, lines 39 – 41, Ananian), locates said specific file in said second database (Col. 7, lines 65 – 67, Ananian), converts said specific file into a first transmittable format (Col. 8, lines 4 – 10, Ananian) without content change of said specific file (Fig. 5, and 6, “Source Artwork ENGLISH”, and “Target translated Artwork FRENCH”, Page 4, [0051], lines 1 – 20, Shapiro), and sends said specific file (Col. 20, lines 1 – 6, Ananian).

¹⁰ Cianfrocca discloses, as cited above, workstations including programs, in the User Agent, to communicate with the messenger system server (equivalent to the clearinghouse server). In addition, Cianfrocca discloses that the communication between the User Agent and messenger system server will be across firewall (Col. 8, lines 7 – 9). This implies that the workstations are also behind the firewall.

¹¹ Cianfrocca further discloses that these components run in workstations with an interface (Col. 16, lines 27 – 28).

¹² Ananian further discloses entering zip code or country (location) and other topics of the specific item requested. This implies locating the requested item in a specific database (see Col. 14, Table 1, lines 23 and 27).

Regarding Claim 8, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a system, wherein said first database contains files in a first CAD format (Col. 2, lines 43 – 47, Ananian) and said second database contains files in a second CAD format (Col. 8, lines 54 – 57, Ananian¹³).

Regarding Claim 9, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses system, wherein said clearinghouse server is further adapted to:

receive said specific file (Col. 5, lines 52 – 57, Ananian);

convert said specific file from said first transmittable format to said second CAD format (Col. 6, lines 4 – 6, Ananian¹⁴);

translate said specific file from said second CAD format to said first CAD format (Col. 6, lines 10 – 13, Ananian; and Page 4, [0051], lines 14 – 20; Shapiro);

convert said specific file from said first CAD format into a second transmittable format (Col. 6, lines 25 – 28, Ananian); and

transmit said specific file to said workstation (Col. 13, lines 34 – 36, Ananian).

Regarding Claim 10, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a system, wherein said clearinghouse interface program comprises a plug-in application (Col. 16, lines 26 – 29, Ananian).

¹³ The CAD files that are manipulated by the system were sent to and obtained from the builders'

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Regarding Claim 11, the combination of Cianfrocca in view of Ananian and further in view of Shapiro discloses a system, wherein said first transmittable format comprises XML (Col. 7, lines 20 – 26, Ananian).

database.

Response to Arguments

1. Applicant argues that office action fails to disclose; "the user cannot manage CAD data in a plurality of disparate and diverse databases or share files across disparate databases without modification of content".

Examiner respectfully disagrees. The combination of Cianfrocca in view of Ananian and further in view of Shapiro does disclose such limitations (See 103 rejection of claims 1, and 7, as discussed in this Office Action above).

¹⁴ Standardized data set (protocol) is a CAD format file (Col. 7, line 12, Ananian).

Prior Art made of Record

1. Ananian et al. (US Patent No. 6,922,701 B1) discloses generating CAD independent interactive physical description remodeling, building construction plan database profile.
2. Cianfrocca. Et al. (US Patent No. 6, 088,796) discloses a secure middleware and server control system for querying through a network firewall.
3. Shapiro (US Patent App. Pub. No. 2006/0005126 A1, filed: October 7, 2002) discloses a method for manipulation of objects within electronic graphic documents.

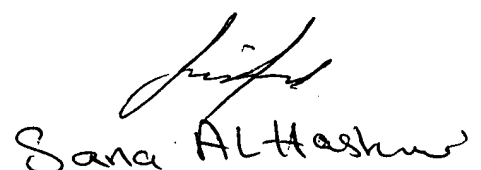
Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
November 20, 2006


Sana Al Hashmi